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Attorney Docket No. 19374-502NATL



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Farmer
ASSIGNEE: Ganeden Biotech, Inc.
SERIAL NUMBER: 09/647,695 EXAMINER: Davis, R.
FILING DATE: April 6, 2001 ART UNIT: 1651
FOR: METHODS FOR REDUCING CHOLESTEROL USING BACILLUS COAGULANS
SPORES SYSTEMS AND COMPOSITIONS

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF SEAN FARMER UNDER 37 C.F.R. §1.132

RMD
7/2/04
I, Sean Farmer, of Miami Beach, Florida, declare and state as follows:

1. I am a co-inventor of the invention claimed in the above-referenced application and am employed by the named assignee, Ganeden Biotechnology, Inc., San Diego, California.
2. I hold a B.A. degree in Evolutionary Biology from Princeton University and a M.S. degree in Microbiology from University of California Los Angeles. I have been involved in research relating to probiotics for at least 13 years.
3. I have read the Office Action mailed on November 3, 2003 and am familiar with the Examiner's grounds of rejection for obviousness.
4. I have performed, or have had performed under my supervision, studies evaluating the therapeutic effect of a probiotic composition containing *Bacillus coagulans* lactic acid-producing bacteria. The probiotic composition contains approximately 1 billion lyophilized vegetative cells of *Bacillus coagulans* bacteria and inert ingredients. The strain of *Bacillus coagulans* bacteria used in the probiotic composition is a strain of *Bacillus coagulans* Hammer (identified as ATCC No. 31284), which is disclosed at page 8, line 14 of the specification. The